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CURRENT TOPICS

The Solicitors (Amendment) Bill

WE print on p. 924 of this issue the full text of the Solicitors (Amendment) Bill introduced in the House of Lords on 19th December by LORD COHEN. Some of the main purposes of the Bill were described in the President's Address to the Annual General Meeting of The Law Society in July (pp. 487–488, *ante*), and in the report of the Parliamentary Committee to the Annual Conference in September (*Law Society's Gazette*, November, 1955, p. 521); and in his Address the President expressed the hope that the amending Bill would prove a preliminary to the consolidation of the Solicitors Acts. We note that the Bill as presented contains several interesting provisions not mentioned in the Address nor in the committee report: in particular cl. 13 (1), relaxing the conditions governing the inclusion of disbursements in bills of costs, and cl. 5, amending the procedure for issuing practising certificates. On the other hand, certain of the provisions which had been thought likely to be included do not appear to have found a place in the Bill: of these we may note the proposal to abolish the necessity for bills of costs to be signed by a principal or accompanied by a letter so signed (*Law Society's Gazette, loc. cit.*) and that to permit an articled clerk to spend up to one year of his articles in the office of another solicitor not being a London agent (p. 488, *ante*). The latter purpose will presumably be effected by regulations to be made under cl. 2 of the Bill, if and when it is brought into force by the Lord Chancellor. Apart from cl. 2, the Bill is expressed to come into operation on 1st November, 1956.

Pensions for the Self-Employed

THE gratitude of all professional persons engaged in private practice is due to the PRESIDENT of The Law Society for his letter published in *The Times* of 21st December, expressing his earnest hope that the next Budget will contain proposals enabling the Millard Tucker Committee's recommendations for retirement benefits for the self-employed to be brought into force. "The Law Society," he wrote, "has for many years expressed deep and growing concern at the ever-increasing threat to private practice resulting from a system of taxation which fails to afford adequate relief in respect of earnings allocated to the provision of retirement benefits for self-employed professional men and women, and the justification for that concern has been recognised both in the Millard Tucker Committee's Report and in the final report of the Royal Commission on Taxation of Profits and Income, published last June." The scheme recommended by the Millard Tucker Committee, he continued, was anti-inflationary and encouraged saving. The case for legislation was put before the Chancellor last March by representatives of the Council of The Law Society, the General Council of the Bar and the Institute of Chartered Accountants, in collaboration with other professional bodies, and he recalled that the Chancellor had undertaken to consider their representations.

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Planning Appeals Procedure

"AN issue of wide and topical interest" was the phrase applied by the Parliamentary Secretary to the Ministry of Housing and Local Government, Mr. DEEDES, to the subject of procedure in planning appeals, raised in the Commons on the adjournment by Mr. FLETCHER-COOKE on 16th December. Readers of the articles (concluded in this issue) on Tribunals and Administrative Procedures will not need to be reminded of the main burden of criticisms levelled at the present system and reiterated by Mr. Fletcher-Cooke, whose suggestions were, briefly, that planning authorities should open the proceedings since in his view the onus of proof lay upon them, and that they should supply the appellant with copies of any written statements to be put in at the hearing; that other Government departments concerned should give evidence and submit to cross-examination instead of communicating direct with the Minister; and that the inspector's report should be published. Mr. A. J. IRVINE added two more suggestions, namely, that local planning authorities should be more precise in their grounds of refusal, thus enabling grounds of appeal to be framed with greater precision and narrowing the issues before the inspector; and that the Minister's instructions to inspectors about the taking of evidence should be made available to appellants. It was natural that in replying to the debate Mr. Deedes should refuse to be drawn on matters within the competence of the Franks Committee and described by him on that account as *sub-quasi-judice*. Perhaps it is as well that the debate concluded with a reminder by Mr. ELWYN JONES of the essentially administrative function of these tribunals—a fact even now not really understood by the public.

More New Rules of Court

ON 11th January, 1956, will come into operation the R.S.C. (No. 3), 1955 (S.I. 1955 No. 1884 (L. 17)). Under them certain fees payable to examiners of the court are increased; a new rule provides that where leave to apply for an order of mandamus, prohibition or certiorari has been granted the case must, within fourteen days thereafter, be put in the list for hearing if the leave is not to lapse (in *R.* v. *Bradford City JJ.; ex parte Muranyi* (1955), *The Times*, 21st December, LORD GODDARD stated that the delay in that case—leave had been granted on 15th February last—had been the immediate reason for the new rule); and Ord. 65 is amended as to notice of taxation of costs. Rules 16 and 17 of Ord. 65 are revoked, and the existing r. 19D is replaced by a new rule under which, except in short and urgent taxations, the Taxing Office will give the parties not less than four days, or in agency cases not less than seven days, notice of the day and time for taxation, and within two days of receiving such notice the party whose costs are to be taxed (except on taxations under s. 66 of the Solicitors Act, 1932) must supply a copy of the bill to every other party concerned. Parties who have not appeared, however, are not entitled either to notice of taxation or to a copy bill under the new rule, unless the taxation is under s. 66 of the 1932 Act and is at the instance of the solicitor. In the case of short and urgent taxations, the party whose costs are to be taxed must give one day's notice of the taxation, together with a copy of the bill, to all other parties concerned.

The R.S.C. (Appeals), 1955

MADE simultaneously with the R.S.C. (No. 3), 1955, but not coming into force until 10th April, 1956, the R.S.C. (Appeals), 1955 (S.I. 1955 No. 1885 (L.18)), provide a complete new code of procedure for appeals to the Court of Appeal including also applications by way of case stated and applications for a new trial. For this purpose Ord. 39 is revoked entirely, and Ords. 58, 58A and 58B are replaced by a new Ord. 58 and Ord. 58A. The changes made are intended to give effect to recommendations of the Evershed Committee in their Final Report, and will be examined in a later issue.

Arbitration or Litigation

RECENT criticisms in the Court of Appeal and the Queen's Bench Division of the delays in bringing on commercial arbitrations for hearing are the subject of a letter to *The Times* of 15th December from Mr. A. F. BEARPARK. He admitted that in the cases cited there had been considerable delay, for which there had doubtless been a valid reason, "but such cases are exceptional and, with respect, should be viewed in relation to the very considerable number of cases which are decided instanter by commercial arbitration." The fact that arbitration clauses are common in modern contracts and that trade associations provide the machinery for arbitrations which are constantly being heard is a sufficient vindication of the need for arbitration. But if anyone ventures to say that it is slow, or that it is costly, its supporters must not be too thin-skinned. Litigation has for centuries been accused of the same faults, but it has survived.

Nothing but the Truth

MR. JUSTICE VAISEY was quick off the mark in his public comment on Monday, 19th December, on the fourth leader in *The Times* of 17th December. Addressing counsel in the Chancery Division, he said: "You must not say 'frankly.' Did you not read *The Times* on Saturday? If you say 'frankly' the implication is that what you have been saying previously has not been frank." In reply, counsel promised to read *The Times* more carefully in future. The popular writer of the fourth leader said that words like "frankly" and "to tell you the truth" led to the inference "that all that has gone before is, frankly, unreliable, though what is to come may be the biggest whopper of all." In the main, no doubt, most of the falsehoods we thus preface are the necessary white lies of a tactful life or, as the fourth leader writer said: "When millions live so close together as they now do, they must perforce tread carefully to avoid each other's corns." Mr. Justice Vaisey was quite right. Whatever tact may be necessary in court,,it is not this sort of tact. Witnesses who preface a statement with words like "to tell you the truth" unwittingly mar their credit with the court, although they may be victims of a mere mechanical habit. Nevertheless, all witnesses must by law preface their evidence with an oath or affirmation that they are about to tell not merely the truth but the whole truth and of course nothing but the truth. The more solemnly the witnesses say it, the better judges like it. It is a strange world.

The British Records Association

AT the annual conference of the British Records Association on 12th and 13th December, it was stated that the Association had received thirty-two consignments of old records from owners and solicitors in the year ended 31st August, and the larger part, some 14,000 documents, were despatched to more than seventy repositories in the British Isles. Six sacks of "throw-outs" were received from the office of a Westminster solicitor, which also contained medieval records and papers of several well-known families. This magnificent contribution to the documentation and amplification of history is typical of what many solicitors can do and have done throughout the country for years past, and will no doubt continue to do for many years to come.

TRIBUNALS AND ADMINISTRATIVE PROCEDURES—III

At the end of the second part of this article ten possible defects of the present system of administrative procedure were set out.

Before proceeding to discuss these points in more detail it is perhaps fitting to refer briefly to the Liberties of the Subject Bill, a private member's Bill which was presented in the House of Commons a year ago but subsequently fell by the wayside, for this was the first substantial practical attempt at reform.

The Bill, which dealt both with tribunals and with administrative procedures, required the tribunal or Minister to publish, if requested by a person aggrieved by a decision, a statement of evidence, findings of fact and reasons on which the decision was based, and also, in the case of an administrative procedure in the course of which a public inquiry was held, to publish the inspector's report and, if the decision differed from any of the inspector's recommendations, the reasons for the difference. The Bill then went on to provide for the setting up of an Administrative Division of the High Court, the judge or judges of the division to sit, except in a case involving a question of law only, with two assessors, one to be chosen from a panel of retired civil servants and local government officers and one from a panel composed of persons chosen by the Lord Chancellor as being persons of professional or other experience specially qualifying them to assist the court in the matters coming before it. The court was to have power to quash a decision if based on inferences of fact which could not reasonably have been drawn from the facts proved or admitted in evidence before the tribunal or inspector, or on other considerations which could not reasonably have led to such a decision or recommendation, or on an error of law.

Attractive as these proposals are at first sight, the writer must confess to having some doubts about them. First, the setting up of a special division of the High Court with panels of assessors who, from the nature of their qualifications, might be suspected of bias in one direction or another might make the public suspect that some form of justice differing from that in other courts was administered there. Secondly, the proposal may represent an undesirable incursion of the judicial sphere into the administrative. Whether or not a decision could reasonably have been arrived at in any particular case must be very much a matter of opinion or policy, more particularly as the original decision is so often itself a matter of opinion rather than of fact or law, e.g., whether one piece of land in preference to another should be compulsorily acquired or whether planning permission for building a house in the country should or should not be granted. Constitutionally, the writer thinks that responsibility must remain with Parliament and not be transferred to the courts; and the more unreasonable a decision is, the more likely Parliament would be to right a wrong.

Further, the Bill does not deal with one of the greatest defects in the present administrative procedure, namely, it does not provide for discovery of all documents relating to the subject-matter of the decision which may be in the hands of the Ministry. The contents of these documents might well be such as to sway one way or the other a decision which could, on the facts proved at the inquiry, be reasonably decided in either direction.

It might also be mentioned that the Bill only proposed publication of the inspector's report where a public inquiry was held. In the case of most administrative procedures the Minister is required to afford only a private hearing to the person concerned, though hitherto as a matter of practice a public inquiry has usually been held. This provision in the Bill might, therefore, lead to a great increase in private hearings to avoid publication of inspectors' reports. Any provision on this subject should surely provide for the supply to persons concerned of reports following private hearings also.

What then are the remedies suggested for the ten defects in the present procedure mentioned above?

The first four defects were listed in the second part of this article as follows:—

> "(1) that there is no right of discovery in respect of any information which may come into the Minister's possession in his administrative or executive capacity before or after the quasi-judicial stage;
>
> (2) (this flows in part from (1)) that there is no opportunity of testing by cross-examination and by bringing rebutting evidence all the facts upon which the Minister's decision is based;
>
> (3) that, where the matter concerned is an original order or other act of the Minister, the Minister is not required to lead evidence in support and have witnesses available for cross-examination;
>
> (4) that the principle embodied in s. 10 (3) of the Town and Country Planning Act, 1947, which is declaratory of the general law in respect of cases where the Minister is the propounder of the order or act in question, is contrary to the principles of natural justice."

Together these form a group, for all in one form or another deprive an appellant or objector of the benefit of the rules of natural justice. They prevent him from knowing all the facts or arguments taken into consideration in making a decision and from testing and answering them. It is the secrecy and feeling of unfairness thus produced which have to the writer's mind brought the greatest criticism on administrative procedures, and if these defects could be remedied public confidence would be greatly strengthened, even if no other improvements were made.

At present there is no right of discovery in respect of any information which may come into the Minister's possession in his administrative or executive capacity before or after the quasi-judicial stage, e.g., advice given to a local authority by the Ministry before making a clearance order (*Offer* v. *Minister of Health* [1936] 1 K.B. 40), letters and reports from other Ministries (*Summers* v. *Minister of Health* [1947] 1 All E.R. 184; *Darlassis* v. *Minister of Education* (1954), 52 L.G.R. 304), and letters alleged to be derogatory to the objectors sent by a local authority to the Ministry when applying for confirmation of a compulsory purchase order (*B. Johnson & Co. (Builders), Ltd.* v. *Minister of Health* [1947] 2 All E.R. 395).

It must be admitted that there is eminent authority for the view that to compel the disclosure of such matters is at the least impracticable. Thus, in *Johnson's* case, Lord Greene, M.R., stated: "The housing conditions in great cities are the subject of continuous consideration, not merely by one Ministry, but by several. Information may have arrived, reports may have been obtained, representation and arguments may have been put forward by other Ministries, and in a great many cases one would expect to find a fairly bulky file, much of which, if not the whole of it, may bear on some particular application. Obviously, it would be absurd to say that a Minister, in considering whether to confirm the compulsory purchase order, must exclude from his mind

information and considerations which have come before him in that sort of way. It is on the obligation alleged, namely, to disclose information of that kind, that the present controversy turns. It is not unfair to say that, generally speaking, the idea that the Minister can be compelled to disclose to anybody information of that kind, which he has obtained as a purely administrative person, is alien to our whole conception of government in this country." He was of the opinion that if the obligation to disclose such information was extended beyond that which had come into existence for the purpose of the quasi-*lis* (as to which see the judgment of Cohen, L.J., quoted in the second part of this article) " it will lead to a chaotic and unacceptable result with regard to information in Ministerial files."

If, however, a Minister were to be obliged to disclose information coming on to his files at any time before the issue of his decision relating specifically to the subject-matter of that decision, it seems to the writer that satisfaction would be given to appellants or objectors without producing the chaos contemplated by Lord Greene.

Where any reports on facts or matters of expert opinion are so disclosed, the appellant or objector should have the right to require the attendance for cross-examination of the person making the report.

The refusal of the Ministry of Agriculture to produce their Land Commissioner for cross-examination, e.g., in a planning appeal where the Commissioner has objected to the proposed development when consulted by the local planning authority, has long been a source of complaint. The objection may well be based on information which he has obtained from some third party, possibly an interested party such as the tenant, who in turn should also be made available for cross-examination if required.

The reluctance of the Government, as a matter of practice, to authorise, as a general rule, the production of witnesses to remedy the second and third defects is all the more inexplicable when in fact in some cases they are produced. Thus, the writer has seen witnesses from the Ministry of Transport, the War Department, the Ministry of Works and the Prison Commissioners giving evidence and being cross-examined at local inquiries directed by the Minister of Housing and Local Government or his predecessors. If it be said that their production in all cases would take up too much time, and it is difficult to believe that there is any more substantial reason, this is surely quite an inadequate excuse.

The fifth of the ten defects was that the decision is taken by some person other than the inspector who has heard the evidence and arguments and there is no means of knowing what facts or arguments such person has had presented to him; publication to the parties of the inspector's report (a practice already adopted by the Ministry of Education: see the *Darlassis* case, above), whether on a public inquiry or private hearing, is necessary to complete the picture of knowing what facts and arguments were before the person—usually, it is believed, an assistant secretary, but sometimes the Minister himself—responsible for making the decision. The view of the *locus in quo* by the inspector is, in quite a number of cases, the most important part of his work, and quite clearly his opinion of the effect which the view should have on the weight of the facts and arguments presented by the parties should form an integral part of the published report. There is a strong body of opinion, as evidenced in the Liberties of the Subject Bill, which thinks that the recommendation of the inspector as to the decision to be given should also be published. This the writer thinks would be unfortunate for two reasons:—

(1) It would have the effect of making the Minister partially responsible to one of his officers, which is undesirable constitutionally.

(2) It might tend to make an inspector give a recommendation which he thought would be acceptable to the Minister, to avoid the public airing of differences, rather than to make a completely unbiassed recommendation.

It must always be borne in mind that delay and cost require to be reduced as much as possible, and it would be unreasonable to expect that an inspector's report should resemble in any way the transcript of a shorthand note of the proceedings. All that can be expected is a summary of the material facts proved to the satisfaction of the inspector and of the arguments.

The sixth possible defect is that the inspectors are generally, though not necessarily, officers serving in the Ministry concerned and are not independent. The writer does not in fact regard this practice as a defect. The primary task of an inspector is to collect all the facts and arguments for the Minister's information in making his decision. There is no reason why the employment of the inspector in the department concerned should bias him in carrying out this duty. The conduct by inspectors of inquiries is indeed, as a rule, much appreciated and it would be very rare indeed to find an appellant or objector who felt he had not had a fair hearing. The secondary task of the inspector is no doubt to advise on the application of the Minister's policy in the light of the facts and arguments before him. To do this, it is quite appropriate that he should be an officer of the department concerned, so that he can fully appreciate that policy and administer it, for it must always be remembered that the decision in an administrative one. In this connection it is interesting to note that the Committee of the Inns of Court Conservative and Unionist Society, some of whose names appear on the Liberties of the Subject Bill, in their pamphlet " Rule of Law " (p. 60) were " not prepared to go so far as to recommend that the inspectorate should be taken right outside the Ministry concerned, though there is much to be said for this course." They thought that at least the inspectorate should be specialised within the department.

The seventh defect was that even the rules of natural justice, with their reliance on evidence not on oath and free admission of hearsay, are unsatisfactory. These defects should be corrected. An administrative proceeding may have quite as important financial and other consequences as a civil action in the courts. How curious it is that evidence before the Lands Tribunal on questions of disputed compensation is given on oath, when the original decision on the compulsory purchase order or planning matter giving rise to that decision, and equally having its financial effect, was based on evidence not on oath. Are planning experts to be trusted more than valuers? It is also most desirable that some third party procedure should be devised. In a large percentage of cases an objector will suggest that the particular project concerned should not be carried out on his land but on somebody else's. Such a suggestion should not be allowed unless the other owner is made a party to the proceedings.

The eighth defect was that the Minister in giving his decision is not bound to state the facts on which it is based or the reasons which have led him to it, nor, if a point of law is involved, the reasons which have led to his interpretation of the law.

If the earlier defects in procedure are remedied, this one is not of such serious import. Magistrates do not very often give reasons for their decisions, nor are juries expected to

do so. Nevertheless, as administrative decisions involve policy, taste and opinion, which will not necessarily be readily understood, and not merely questions of fact and law, it is very desirable that a Minister should give a reasoned decision.

The last two defects both relate to questions of appeal, as follows :—

" (9) that there is no machinery for reviewing on the merits any particular decision which is felt to be particularly unjust ;

(10) that there is no provision for an appeal to the High Court on a point of law."

The writer has already indicated above his dislike of any appeal on merits, however circumscribed, to the courts. Is there then any practicable appeal procedure which can be devised to provide a thoroughly impartial review, while at the same time preserving ministerial responsibility to Parliament ? The writer thinks that both these objects could be achieved by the setting up under the Lord Chancellor of a small appeals tribunal composed of, say, three eminent members of the legal profession, to whom an appellant or objector in a matter decided by a Minister through some administrative procedure could have the decision referred on the ground that the decision could not reasonably have been reached on the facts established and having regard to the policy object to be achieved. This tribunal would then review the matter, much as the proposed Administrative Division of the High Court would have done, and report their recommendations to the Minister concerned for his personal final decision.

The courts should, it is suggested, retain their existing jurisdiction to quash any decision arrived at without jurisdiction, or where the Minister's mind was completely foreclosed, or where the rules of natural justice have been contravened at the quasi-judicial stage, which would, if the foregoing proposals were adopted, subsist up to the making of the actual decision. There should also be a right of appeal by way of case stated on any point of law involved in the decision. There is no good reason why this last-mentioned right should not be conceded.

The foregoing proposals should provide a reasoned decision fairly and openly arrived at within the law and with protection against any unreasonable or arbitrary decision.

R. N. D. H.

A Conveyancer's Diary

EASEMENT MUST " ACCOMMODATE " DOMINANT TENEMENT

WHETHER the right to use a communal pleasure garden " accommodates " the houses to which it is annexed (which, as was seen last week, was the first of the two main questions of law which arose in the *Ellenborough Park* case) is a question which to the layman would doubtless seem to admit of only one answer. The Court of Appeal in this case has also answered it affirmatively, but only after a careful analysis of the rights involved and of some of the earlier cases on this particular branch of the law of easements. This answer and the way in which it was given will form the subject of the present article on this interesting case.

It was clear, the Court of Appeal said, from the deed of conveyance to the purchaser whose conveyance was taken as typical (to the exact language of which I referred extensively last week), and from the other deeds in like form which had been made (as was assumed) in respect of the remaining premises in Ellenborough Crescent, that the original common vendors were engaged upon a scheme of development of this part of their estate designed to produce a result of common experience, namely, a row of uniform houses facing inwards upon a park or garden which was intended to form, and in fact formed, an essential characteristic belonging, and, properly speaking, " appurtenant," to all and each of these houses. In substance, instead of each house being confined to its own small garden, each was to enjoy in common, but in common exclusively with the other houses in the crescent, a single large " private " garden. The language used by the deed of conveyance was clearly to the effect that the right of enjoyment was intended to be annexed to the premises sold, rather than given as a privilege personal to their purchaser. The enjoyment was not exclusive to those premises alone ; it was to be held in common with the like rights annexed to the other houses in the square or crescent. But it was not contemplated that the rights should be otherwise extended so as to belong in any sense to premises not forming part of the square or their owners. The position of the grant in the deed showed that in the respects mentioned the right granted was intended to be and treated as *in pari materia* with the rights of way and drainage similarly conferred. It was made clear in the deed that the garden rights were (so far, of course, as this property could be) of the same character *quoad* the land conveyed as the rights of way and drainage granted in relation to each house (which were, of course, easements).

So much for the broad intention behind the deeds of conveyance and the scheme of development which they carried into effect. It remained to interpret the actual terms of the grant itself—" the full enjoyment of the pleasure ground," etc.

It was argued for the owners of the fee in the park that the use of the word " full " here indicated that the right given was a *jus spatiandi* in its strict sense, that is, a right to wander upon the park and every part of it and enjoy its amenities (and even its produce) without stint. But the court did not so construe the words in their context. In their view, the use contemplated and granted was the use of the park as a garden, the proprietorship of which (and of the produce of which) remained vested in the vendors and their successors. The enjoyment contemplated was the enjoyment of the vendors' ornamental garden in its physical state as such—the right of walking on those parts provided for the purpose, that is, pathways and (subject to restrictions in the ordinary course in the interests of the grass) the lawns ; to rest upon the seats provided ; and if certain parts were set apart for particular recreations, such as tennis or bowls, to use those parts for those purposes, subject again to the provisions made for their regulation. The right did not extend to a right to trample at will over the park, to pick the flowers, or to interfere in the laying out or upkeep of the park.

Such use, the court went on to say, was a common and clearly understood conception, analogous to the use conferred upon members of the public of parks or gardens such as St. James's Park, Kew Gardens, or the gardens of Lincoln's Inn Fields. The use of the word " full " in the grant did not import any wider privilege.

That being, in their view, the proper construction to put on the grant, the court passed to a consideration of the condition (one of the four laid down in Cheshire on Real Property, as already mentioned) of the "accommodation" of the alleged dominant tenements by the rights so interpreted. The court accepted as accurate the statement of this condition in the work referred to (7th ed., p. 457), which is in the following words: "A right enjoyed by one over the land of another does not possess the status of an easement unless it accommodates and serves the dominant tenement, and is reasonably necessary for the better enjoyment of that tenement, for if it has no necessary connection therewith, although it confers an advantage upon the owner and renders his ownership of the land more valuable, it is not an easement at all, but a mere contractual right personal to, and only enforceable between, the two contracting parties."

Could it then be said of the right of full enjoyment of the park in question, not that it merely "accommodated" the property conveyed in the sense in which a layman would use that word, but that it accommodated the property within the meaning of this condition of accommodation as stated in the expanded form above quoted and taken from Cheshire on Real Property? It was clear, the court thought, that the right did in some degree enhance the value of the property, and this consideration could not be dismissed as wholly irrelevant. But it was in no way decisive of the problem; it was not enough to show that the right increased the value of the property conveyed unless it was also shown that it was connected with the normal enjoyment of that property. The question whether this connection existed or not was primarily one of fact and depended largely on the nature of the alleged dominant tenement and of the right granted.

As to the former, it was in the contemplation of the parties that the property conveyed should be used for residential and not for commercial purposes (there was a purchaser's covenant to that effect in the conveyance); as the conveyance of all the plots fronting Ellenborough Park was substantially in the same form, the inference was that the houses to be built on each of the plots laid out by the vendors on their estate were to constitute a residential estate. As to the nature of the right granted, the park was to be kept as a pleasure ground, unbuilt upon. On these facts, it had been argued, the requisite connection between the right to use the park and the normal enjoyment of the houses built round it had not been established; the position was like a right granted to the purchaser of a house to use the Zoological Gardens or attend Lord's Cricket Ground without payment: such a right would increase the value of the house, but was not an easement. But this analogy seemed to the court to be imperfect: a closer analogy was the case of a man selling part of his house and granting to the purchaser in fee the right, appurtenant to the part sold, of using the garden in common with the vendor and his assigns. In such a case the test of connection, or accommodation, was amply satisfied, and such, in the view of the court, was the substance of the position in the case before it. The park became a communal garden for the benefit and enjoyment of those whose houses adjoined it. Its flower beds, lawns and walks were calculated to afford all the amenities which it is the purpose of a garden to provide, and, apart from the fact that these amenities extended to a number of householders instead of being confined to one (which on this aspect of the case was immaterial), there was no difference in principle between Ellenborough Park and a garden in the ordinary signification of that word. It was the collective garden of the neighbouring houses to whose use it was dedicated, and as such amply satisfied the requirement of connection with the dominant tenements to which it was appurtenant; this test, for the purpose under consideration, was that the park should constitute in a real and intelligible sense the garden (albeit the communal garden) of the houses to which its enjoyment was annexed. So far as the condition of connection with or accommodation of the dominant tenement was concerned, therefore, the grant of the enjoyment of the park in this case could qualify as an easement.

It may be recalled that, in the court below, Danckwerts, J., referred in his judgment to Dr. G. R. Y. Radcliffe's book on Real Property Law (2nd ed., 1938) for a statement of the qualities necessary for an easement. One of the qualities there postulated was that "The easement must be calculated to benefit the dominant tenement as a tenement, and not merely to confer a personal advantage on the owner of it." This the learned judge found "somewhat difficult to apply, for it seems to me that the benefit received from a right of way is necessarily a benefit to the owner or occupier of the tenement rather than to the tenement itself, though a right of support might be said to benefit the tenement as such" (see [1953] 3 W.L.R., at p. 97). The concept of a right benefiting or accommodating the land rather than the owner or occupier of it is not an easy one, but the judgment of the Court of Appeal will be of assistance in cases other than those directly covered by it in elucidating the meaning of that concept and the range of its application to particular facts.

"A B C"

Landlord and Tenant Notebook

DIVIDED PREMISES AS BROTHELS

THE sharing of kitchens—and of "kitchenettes"—has occasioned much trouble and bewilderment to county court judges concerned with the status of the sharers for the purposes of rent control; there are at least sixteen reported decisions in point. In *Strath* v. *Foxon* [1955] 3 W.L.R. 659; *ante*, p. 799, such a sharing was a feature of quite a different kind of case, one in which a metropolitan magistrate had been called upon to decide whether premises comprising three floors of a building had been let by an agent with the knowledge that they were to be used as a brothel: Criminal Law Amendment Act, 1885, s. 13 (3).

The evidence showed that the premises had but one street door; that the third floor was separated from the second by another door, with a Yale lock, and consisted of a bedroom and "another room which was furnished indeterminately as a bathroom"; the first and second floors comprised a sitting-room, bedroom, bathroom, and a kitchen with two cupboards. The defendant, a negotiator employed by estate agents who acted for the lessee of the whole of the upper part of the premises, had negotiated tenancies with two tenants whom she knew to be prostitutes. The negotiations had been conducted at a café where she had met them together, by independent appointment. As a result, one tenant had taken a weekly tenancy of the third floor, furnished, with a right to use the kitchen on the second floor; the other had taken a similar tenancy of the first and second floors, furnished, subject to the other's right to use the kitchen. The rents were the same. Each tenant had in fact used the premises demised to her for the purposes of prostitution, but never the premises demised to the other; the kitchen alone had

been shared, each tenant keeping her own crockery and utensils in one of the cupboards.

The learned magistrate dismissed the information without calling upon the defence but stated a case for the Divisional Court, which upheld him by reference to three authorities.

The Meaning of "Brothel"

First, there was *Singleton* v. *Ellison* [1895] 1 Q.B. 607, in which the defendant, a prostitute, had been charged under subs. (1) of the section with keeping a brothel. It was found that no other woman used the premises for purposes of prostitution; the justices dismissed the information, stating a case. The Divisional Court gave judgment for the respondent without calling upon her counsel to argue; only one of the judges, Wills, J., delivered a judgment, and it was a remarkably short one. Ignoring references to Stephen's Digest ("a house or room, or set of rooms, in any house kept for purposes of prostitution") and Hawkins' Pleas of the Crown ("a lodger who keeps only a single room for the use of bawdry is indictable for keeping a bawdy house"), the learned judge said that a brothel was the same thing as a bawdy house (the contrary had not been suggested), a term with a well known meaning as used by lawyers and Acts of Parliament, the legal acceptation being "a place resorted to by persons of both sexes for the purpose of prostitution." The statements in Stephen's and Hawkins are, of course, not actually inconsistent with this view; the one may have assumed that more than one prostitute would use the premises, the other that the use of bawdry would not be constituted unless there were more than one such.

In *Caldwell* v. *Leech* (1913), 29 T.L.R. 457, an unsuccessful attempt was made to distinguish the above decision, the facts being that the defendant, a married woman, allowed her sister to use part of the premises for the purpose of prostitution; the appeal against dismissal was heard by three judges, of whom Ridley, J., was in favour of allowing it. Once a house was kept by one woman it could not matter whether one woman or many other women used the premises for that purpose. Pickford and Avory, JJ., however, refused to recognise any such distinction, the latter's considerable knowledge of the criminal law enabling him to refer to a form of indictment, used from time immemorial, which contains the words "divers ill-disposed persons."

Block of Flats as a Brothel

But in between, the decision in *Durose* v. *Wilson* (1907), 96 L.T. 645, had shown that the mere fact that premises consist of self-contained flats may not be an answer to a charge under the Criminal Law Amendment Act, 1885, s. 13. The defendant was a resident porter at a building consisting of eighteen flats, twelve of which were let to prostitutes, but it was not shown which was let to whom and/or even that they had what would have been called, in pre-nationalisation of railways times, running powers on each other's lines. The defendant's duties included the eviction of undesirable tenants. In this case the Divisional Court upheld, for "being wilfully a party to the continued use" (subs. (3)), a conviction based on a finding that the whole building was "premises used as a brothel."

Two decisions not mentioned in *Strath* v. *Foxon* may be briefly recalled in order to complete the list of authorities on the meaning of the term: in *R.* v. *Justices of Parts of Holland, Lincolnshire* (1882), 46 J.P. 312, a licensed premises case, the "permitting people of opposite sexes to come there and have illicit sexual intercourse" was held to constitute the permitting of premises to be used as a brothel (Licensing Act, 1872, s. 17), and this definition was accepted by the court in *Winter* v. *Woolfe* [1931] 1 K.B. 549, rejecting an argument that when the women concerned were not prostitutes the offence, if any, was that of keeping a "disorderly house."

But it was presumably on *Durose* v. *Wilson* that the appellant police superintendent relied in *Strath* v. *Foxon*, the single street door and the shared kitchen suggesting an analogy; and then there were the tripartite negotiations, and perhaps some significance could be attached to the similarity in the reddenda, differential rents not being charged for different premises differing very much in size. Neither tenant is said to have referred her contract to the local rent tribunal.

A Question of Fact

In its reserved judgment, the Divisional Court held that the findings of the magistrate were justified and that, in view of *Singleton* v. *Ellison* and *Caldwell* v. *Leech*, his conclusion was correct: the only question was whether the two flats (the lower set of premises would indeed satisfy the definition of "flat" in the Housing Act, 1936, s. 188 (1)) were separate premises. But the judgment emphasised that each case must depend on its own facts "and it might well be that the arrangements made were a subterfuge to avoid the consequences of s. 13." The arrangements made in *Strath* v. *Foxon* might, indeed, point to something like a "letting scheme," which has been held to be effective in flats cases, even when the building is small and the flats few (*Newman* v. *Real Estate Debenture Corporation, Ltd.* (1940), 162 L.T. 183); the necessary element of intention of the parties with regard to user (*Lyttelton Times Co., Ltd.* v. *Warners, Ltd.* [1907] A.C. 476) was clearly established.

R. B.

HERE AND THERE

PARALLEL LIVES

We have it on very high authority that all the world's a stage and all the men and women merely players, but on the whole we are expected to be one-part or, at any rate, one-type actors, not variety artists. The judge who off the Bench allows himself a manner noticeably eccentric, not grave and reverend, is regarded as something of a curiosity and elementary worldly wisdom suggests that a member of the Bar should carry about with him, wherever he may go, an aura of wig and wing-collar, or nobody will believe he is a barrister at all. This is the age of the specialist and he must not only specialise in law but specialise in playing the lawyer. But what about the players themselves? Must they act off the stage as well as on it? Must every holiday for them be a "busman's holiday," treated as a vehicle for their art? Yes, but they have a wider range than other professions. A lawyer blowing his own trumpet is confined by custom to two or three notes; an actor or actress can make it a trumpet voluntary. But there is rather more to it than that. How far must the player off-stage remain identified, not only with his profession, but also with the sort of parts he plays? One speaks of getting inside the skin of a part. Must he wear that skin wherever he goes? Must the actor be moral, noble or amorous in every waking moment according to the parts he happens to specialise in, the actress be fey, regal, enigmatic or provocative by the same test? The answer is apparently "Yes," at any rate in

Italy. We all know what a strict censorship Miss Gina Lollobrigida exercises over her published photographs, lest the public should get a wrong idea about her. A current libel action in Rome suggests that Miss Maria Callas, the beautiful soprano, is no less sensitive, though one must admit that the legal proceedings are more suggestive of Offenbach and light opera than Covent Garden and grand opera. True, if one saw in the cause list the case of *Maria Callas* v. *Prince Marcantonio Pacelli and Others* one would visualise high society drama at its most sensational and magnificent with echoes and overtones from classical antiquity and the Vatican Hill. But when one learned that one of the " others " was the Pantanella Spaghetti Factory one would instinctively re-examine one's first impressions. The prince is legal adviser to the commercial enterprise and Miss Callas, justly proud of her seven-stone figure, holds him responsible for the unauthorised use of her name in connection with a special " slimming spaghetti." She has also joined her doctor as a defendant for allowing himself to be quoted as saying that it had caused her to lose three stone. As her lawyer said: " The public wishes her to be noble and delicate. It is harmful if the public discovered the vulgar background of a Madame Butterfly who treats herself on spaghetti "

THE BORDERLAND

One looks forward to hearing the final verdict of the court, which will, no doubt, be as instructive in Italian jurisprudence as was in English jurisprudence that case of the sensitive golfer who objected to being put into a chocolate advertisement. Meanwhile one sees the point about Madame Butterfly. During the lady's last professional visit to America she became involved in a contract dispute which reached the point of incipient litigation and the other parties had the indelicacy to attempt to serve the documents on her backstage at the Chicago Opera House just after a performance, as it happened, of " Madame Butterfly." The force and majesty of American law was backed by eight of its officers, who proved none too many to cope with an unsympathetic demonstration by a crowd of shouting and gesticulating baritones, tenors and sopranos. The heroine in the opera accepted the misfortunes flowing from her contact with the American way of life with traditional oriental stoicism. Not so the lady from the Mediterranean who, with a fine fury, worthy of La Tosca, resisted the intrusion. As a matter of fact, even the genuine Madame Butterflies of modern real life Japan have abandoned operatic tradition and are getting " tough." Not long ago one of them, finding herself left in much the same situation as her famous predecessor, flew to the United States and stayed there until she had enforced her legal remedies against the officer in question. There is scope there for a new composer to write a new opera on the new story. When that becomes the fashion the personal life of a prima donna will present fewer exacting problems of co-ordination with her professional life. In some cases it might be easier to adjust the latter than to alter the former. Thus, the operatic singer who recently figured in the divorce court as having thrown her husband over her head, fallen on him, bitten his ankle, pursued him upstairs and tried to break open his door with a rifle butt, might well make an unforgettable impression in the more sensational of the Wagnerian operas, nor would the enjoyment of the audience necessarily be diminished by the knowledge and recollection of her no less striking performances on the more restricted stage of the domestic hearth. They would only wish her a Siegfried to play opposite her in private life.

" NOBLE AND DELICATE "

But the path of the lady who must at all times appear " noble and delicate " is beset with far greater pitfalls. Carmen's enchantment may survive a cigarette factory (or nowadays a parachute factory), but hardly, no, definitely not, a spaghetti factory. But then it is the problem of every woman, professional actress or not, who is competing not only with flesh and blood rivals but with the fantasies, totally apart from reality, planted in the male mind by Vogue-style and (in another idiom) " pin up " photographers. It has been said by the mystical that one of the Devil's favourite devices has always been to keep the fashions of female beauty as different as possible from the real live female who, after all, is made not of coral and ivory, but of greens, potatoes or spaghetti, and yet is expected in her daily round to approximate to the fictitious ideal. Hence conjugal disenchantment. Hence mounting divorces, in which the galaxy of stars and starlets might well be cited as the true, though innocent, interveners.

Richard Roe.

CORRESPONDENCE

[*The views expressed by our correspondents are not necessarily those of* The Solicitors' Journal]

Keeping Somebody Else's Rules

Sir,—Under the heading " Keeping Somebody Else's Rules," in " Current Topics " in your issue of the 17th December, you suggest that there is no parallel between the discipline exercised by the Inns of Court over barristers and that exercised by a trade association over persons engaged in a trade who are not members of the association. There is in fact a very close parallel, in that in both cases discipline is maintained by a domestic tribunal imposing similar sanctions, but whereas a trade association on occasion takes action against a non-member, the need for this never arises in so far as the Inns of Court are concerned, since none can practise without being a member of one of the Inns. The Bar is in fact a closed shop.

It would be illogical in the extreme if a member of the Bar, or a man seeking his livelihood in a given trade, were permitted to disregard his obligations with impunity, or to seek immunity from the generally accepted regulations of that trade, either by refraining from membership of his trade's association, or by resigning from membership to be able to say, "I've got my fingers crossed." The House of Lords made this position perfectly clear in *Thorne* v. *M.T.A.*

In this case, the underlying principle was stressed that a trade association's legal rights are based on the protection of the majority, whereas your view is related solely to the occasional would-be pirate, whose only hope of survival lies in the majority's observance of their obligations, while he seeks only his own selfish ends—against the interest of the public when the market is short, and of his fellow traders when supply is adequate.

K. C. Johnson-Davies,
Secretary, The British Motor Trade Association.
London, W.1.

The Poor Man's Lawyer

Sir,—Having read the article regarding Poor Persons Advice Centres in your recent issue I cannot help but write in response and say what my experience has been regarding poor persons advising.

A few years ago I attended one of the well-known London centres giving free advice. At the time I was with a large West End general practice, having had about fifteen years' experience after admission.

A large proportion of the people attending sought advice on points arising under the Rent Acts. It was typical for some woman to come in and explain that she was paying 7s. 2½d. per week rent for her house whereas the woman next door in exactly the same sort of house was only paying 6s. 11½d. and wanted the

matter investigated. There would be a few claims for compensation or damages for minor accidents and occasionally a major one and in this class of case I felt no doubt whatever that any solicitor doing litigious work would have taken on the cases in the hope of getting something from the other side and in the event of failure would not have looked to the client for any costs other than disbursements he had been asked to incur.

There would be a number of cases of neighbours' quarrels and family disputes that would be much better dealt with by a probation officer or the like, also beginnings of divorce cases best handled by a solicitor who was going to carry through the divorce either under Poor Persons rules or otherwise.

Then there would be a number of cases on utterly trivial matters. Sometimes I used to ask such people why they didn't consult a solicitor and the reply was constant, that " it wasn't worth the expense " (not that they couldn't afford it). I felt that if it wasn't worth the expense it wasn't worth giving my time to such matters.

One day I was looking through the window and a car drew up and a woman in a fur coat got out and came in for advice on some trivial point that wasn't worth paying a solicitor for, so I inquired of the officials of the centre as to whether any means test was imposed and was told that a means test used to be imposed but [it] is now found that if a means test were imposed there would be insufficient people who would qualify for free advice to justify the centre being open. I then decided to reserve my energies for private practice.

In private practice one always gets a number of people inquiring about trivial matters or genuinely poor people in need of help and the necessary help and advice is always given by me and my solicitor colleagues that I know of. If the subject is trivial then one usually does not make any charge but indicates one will be pleased to see them when they have something of importance and if the person is too poor to pay they get the advice just the same and no bill. I feel to be doing just as much good work by stopping in my own office and save travelling backwards and forwards to free legal advice centres.

Perhaps it might be useful if the profession would publicise the fact that solicitors are not avaricious monsters that squeeze everything out of the client without regard to the client's position or the subject-matter of the case. The banks advertise as part of their service that the local manager is there to help and advise, etc., and the Prudential Assurance Company have a constant flow of advertisements indicating as part of their service the help in general matters that their local collector can give. Lawyers have been doing this for years. It is evidently not known to some people, particularly those who have never consulted a lawyer in their lives. I think it will be useful to pursue this angle and the remaining free advice could be given by the local council office who would have a list of solicitors and could refer people in need of advice to the solicitors in rotation. Most solicitors would be willing to stand on such a rota not only from a sense of philanthropy but with the optimistic thought that one day something good may come out of the kitty.

At any rate before rushing into a lot of organisation and expense regarding free legal advice centres it would be wise for some really experienced solicitors to attend such centres for a while and report to what extent the centres seem to be serving a useful purpose.

" STRUGGLING ON."

THE SOLICITORS (AMENDMENT) BILL

The following is the full text of the Solicitors (Amendment) Bill introduced in the House of Lords on 19th December, 1955 :—

A
BILL
intituled

An Act to amend the enactments relating to solicitors and for purposes connected therewith.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Increase of annual contribution to Compensation Fund

1. In subsection (3) of section two of the Act of 1941 (which relates to the annual contribution to the Compensation Fund to be paid by a solicitor on the issue to him of a practising certificate) for the words " a contribution of five pounds or such less sum as the Council may from time to time determine " there shall be substituted the words " a contribution of such sum not exceeding ten pounds as the Council may from time to time determine."

Qualifications for admission as solicitor

2.—(1) No person shall be admitted as a solicitor unless he has satisfied the Society that he has complied with such requirements as the Society may by regulations, made with the concurrence of the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls, prescribe with respect to—

(*a*) service under articles of clerkship ;
(*b*) attendance at a course of legal education ; and
(*c*) the passing of examinations,

and unless the Society are also satisfied as to that person's moral fitness to be an officer of the Supreme Court :

Provided that this subsection and any regulations made thereunder shall have effect subject to the provisions of—

(*a*) section twenty-two of the principal Act (which provides that the default of a solicitor in certain respects is not to disqualify his articled clerk for admission as a solicitor) ;
(*b*) section thirty-five of the principal Act (which relates to the admission as solicitors of the Supreme Court of solicitors of certain other superior Courts) ; and
(*c*) subsection (3) of section twenty of the Justices of the Peace Act, 1949 (which relates to the admission as solicitors of certain persons who have served as assistant to a justices' clerk).

(2) Regulations under the foregoing subsection may make different provision for different circumstances and may include provision for the charging by the Society, and the application, of fees.

(3) Without prejudice to any provision of the Solicitors Acts or of this Act, the Society may by regulations made as aforesaid make provision with respect to the taking and retaining of articled clerks by solicitors and the conduct, duties and responsibilities towards one another of the parties to articles.

(4) The enactments mentioned in the First Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential upon the other provisions of this section.

(5) The enactments mentioned in Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.

(6) This section shall come into operation on such day as the Lord Chancellor may by order made by statutory instrument appoint.

Registrar of solicitors

3. The duties imposed by the Solicitors Acts on the registrar of solicitors and immediately before the commencement of this Act required by section one of the principal Act to be performed by the Society shall become the duties of the Society as such, and accordingly—

(*a*) the said section one (which requires the said duties to be performed as aforesaid subject to a power of the Master of the Rolls to appoint another fit person to perform those duties) and paragraph (*b*) of the proviso to subsection (3) of section four of the Act of 1941 (which relates to the constitution of committees of the Council in the exercise of functions of the registrar) shall cease to have effect ;
(*b*) for any reference in the said Acts (other than in the said section one) to the registrar there shall be substituted a reference to the Society.

Admission of persons as solicitors

4.—(1) The Master of the Rolls may, if he thinks fit, from time to time delegate to any judge of the High Court the duty of admitting persons to be solicitors, and accordingly in section three of the principal Act (which relates to such admissions)—

(*a*) in subsection (1), after the words " Master of the Rolls " in the second place where they occur there shall be inserted the words " or any judge of the High Court

whom the Master of the Rolls may by writing under his hand have appointed to act for the time being on his behalf for that purpose", and for the word "he" there shall be substituted the words "the Master of the Rolls";

(*b*) in subsection (*2*), after the words "Master of the Rolls" there shall be inserted the words "or by such a judge as aforesaid".

(*2*) In subsection (1) of section thirty-five of the principal Act (which provides that solicitors of certain overseas courts who have been in practice before such a court for not less than three years may on compliance with certain requirements be admitted as solicitors of the Supreme Court) after the word "may" there shall be inserted the words "and a solicitor of such a court who has for not less than three years served bona fide as a clerk to a solicitor in England may with the consent of the Council of the Society".

Issue of practising certificates

5.—(1) In subsection (1) of section thirty-seven of the principal Act (which, as substituted by section five of the Act of 1941, requires an applicant for a practising certificate to deliver a declaration in the form set out in the Second Schedule to the Act of 1941) for so much of paragraph (*a*) as precedes the proviso there shall be substituted the following—

"(*a*) Not less than fourteen days before a solicitor applies for a practising certificate, he shall attend at the Society's Hall, either in person or by his agent, and deliver a written declaration in such form as the Society may by regulations, made with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, prescribe—

(i) specifying the applicant's full name, place or places of business and date of admission; and

(ii) containing such other particulars as the Society may by such regulations as aforesaid prescribe; and

(iii) signed by the applicant personally":

(2) For subsection (3) of the said section thirty-seven (which requires the Society, after the expiration of fourteen days from the delivery of such a declaration as aforesaid, to deliver on demand a practising certificate in the form set out in the Third Schedule to that Act if they are satisfied that the name of the applicant is on the roll) there shall be substituted the following—

"(3) Application for a practising certificate shall be made in person at the Society's Hall either by the applicant or by his agent and, subject to the provisions of the next succeeding section, if the Society are satisfied that the name of the applicant is on the roll and that he is not for the time being suspended from practice and that the requirements of subsection (1) of this section have been complied with, they shall thereupon deliver a practising certificate in such form as the Society may by regulations made with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls prescribe."

(3) In paragraph (*c*) of subsection (1) of section thirty-eight of the principal Act, as substituted by section ten of the Act of 1941 (which gives the Society a discretion in certain cases to refuse a practising certificate), after the words "having had his name" there shall be inserted the words "removed from or".

(4) For paragraph (*j*) of subsection (1) of the said section thirty-eight there shall be substituted the following—

"(*j*) after having had given against him any judgment which involves the payment of moneys, not being a judgment—

(i) limited to the payment of costs; or

(ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or

(iii) evidence of the satisfaction of which has been produced to the Society."

(5) The Third Schedule to the principal Act and section six of, and the Second Schedule to, the Act of 1941 shall cease to have effect.

Dating and expiry of practising certificates

6.—(1) In subsection (1) of section forty-one of the principal Act (which makes provision as to the dating of practising certificates), for the words "between the fifteenth day of November and the sixteenth day of December" there shall be substituted the words "after the fifteenth day of November and before the sixteenth day of December."

(*2*) Every practising certificate shall expire at the end of the fifteenth day of November next after it is issued:

Provided that where the name of any solicitor is removed from or struck off the roll, the practising certificate (if any) of that solicitor for the time being in force shall expire forthwith.

Suspension of practising certificates

7.—(1) The making by the disciplinary committee or the court of an order suspending a solicitor from practice shall operate to suspend the practising certificate (if any) of that solicitor for the time being in force, and that suspension shall continue in operation until the certificate expires or the suspension is terminated by order of the Society or of the Master of the Rolls by virtue of the next following subsection.

(*2*) Where a solicitor's practising certificate is suspended under the foregoing subsection and the period of the solicitor's suspension from practice expires before the expiry of that certificate, subsections (*2*) and (*3*) of section twelve of the Act of 1941 (which provide for the termination of suspensions of practising certificates under section eleven of that Act or under section thirty-eight of the principal Act) shall apply in relation to that suspension of his certificate as they apply in relation to suspensions under the said sections eleven and thirty-eight.

(3) Where a solicitor's practising certificate has been suspended under subsection (1) of this section by reason of his suspension from practice, and the suspension of his practising certificate is terminated unconditionally by virtue of the last foregoing subsection, then, as respects any subsequent practising certificate, notwithstanding paragraph (*c*) of subsection (1) of the said section thirty-eight, that suspension from practice and the expiry of the period thereof shall cease to operate so as to require that solicitor to give the notice mentioned in that section of his intention to apply for that subsequent certificate or to vest in the Society any discretion with respect to the issue of that subsequent certificate.

(4) At any time while a practising certificate is suspended under the said section eleven or thirty-eight or under subsection (1) of this section, that certificate shall be deemed not to be in force for any of the purposes of the Solicitors Acts or this Act, and for the purposes of Part IV of the principal Act the person named in that certificate shall be deemed—

(*a*) to be an unqualified person; and

(*b*) not to be a duly certificated solicitor.

Provisions relating to proceedings before disciplinary committee or court

8.—(1) The disciplinary committee may, for the purpose of hearing and determining applications or complaints under any of the provisions of the Solicitors Acts, sit in two or more divisions and, for the purposes of the hearing and determination of, and the making of an order on, any such application or complaint by such a division, that division shall be deemed to be the committee.

(2) The quorum of the disciplinary committee or a division thereof shall for all purposes be three:

Provided that—

(*a*) an application or complaint may, with the consent of the parties thereto, be heard and determined by only two members of the committee or division;

(*b*) the decision of the committee or division on an application or complaint may be announced by a single member thereof.

(3) In subsection (1) of section seven of the principal Act (which, among other things, requires an order made by the disciplinary committee to be signed by their chairman) after the word "Chairman" there shall be inserted the words "or by some other member of the Committee authorised by the Committee in that behalf".

(4) The proviso to subsection (1) of section six of the principal Act (which relates to the quorum of the disciplinary committee) and section two of the Act of 1939 (which provides that the disciplinary committee may sit in two or more divisions for the purposes of applications under Part I of the principal Act) shall cease to have effect.

(5) In section twelve of the Act of 1936 (which extends the time for instituting proceedings in respect of certain offences), after the words "proceedings in respect of" there shall be inserted the words "an offence under section forty-six of the

principal Act (which relates to a person who, not having in force a practising certificate, pretends to be a solicitor) or ".

(6) In the following provisions, that is to say—

(*a*) section eight of the principal Act (which relates to appeals against certain orders of the disciplinary committee) ;

(*b*) subsection (7) of section sixteen of the Act of 1941 (which relates to appeals against orders of the disciplinary committee under that section) ;

(*c*) paragraph 6 of the First Schedule to the Act of 1941 (which relates to applications to the High Court or to a judge thereof under that Schedule) ;

for any reference to rules or regulations made from time to time by the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice or (in the case of difference) of one of them, there shall be substituted a reference to rules of court :

Provided that any rules or regulations made by the Master of the Rolls as aforesaid and in force immediately before the commencement of this Act shall continue to have effect for the purposes of the provision in question until revoked by rules of court made by virtue of this section as if they were rules of court so made.

Power of Council to deal with property of certain solicitors

9.—(1) Where the name of any solicitor is removed from or struck off the roll or any solicitor is suspended from practice, that solicitor shall within twenty-one days of the material date satisfy the Council that he has made suitable arrangements for making available to his clients, or to some other solicitor or solicitors instructed by his clients or by himself—

(*a*) all deeds, wills, documents constituting or evidencing the title to any property, papers, books of account, records, vouchers and other documents in his or his firm's possession or control, or relating to any trust of which he is sole trustee or co-trustee only with one or more of his partners, clerks or servants ; and

(*b*) all sums of money due from him or his firm to, or held by him or his firm on behalf of, his clients, or subject to any such trust as aforesaid ;

and if he fails so to satisfy the Council, paragraphs 4 to 6 of the First Schedule to the Act of 1941 (which relate to the production or delivery of documents by, and to payments out of any banking account in the name of, certain solicitors) shall apply in relation to that solicitor notwithstanding that the Council have not reasonable ground for believing or are not satisfied that he has been guilty of any such dishonesty as is mentioned in section two of that Act.

(2) In this section the expression " the material date " means whichever is the latest of the following dates, that is to say—

(*a*) the date when the order of the disciplinary committee or of the court by or in pursuance of which the solicitor's name is removed or struck off the roll or the solicitor is suspended from practice is to take effect ;

(*b*) the last date on which an appeal against that order may be lodged ;

(*c*) the date on which any such appeal is dismissed or abandoned ;

and the expressions " trust " and " trustee " have the same meanings as in the Act of 1941.

Miscellaneous provisions with respect to removal from or striking off and replacement on roll

10.—(1) For the avoidance of doubt it is hereby declared that an application by any person to require a solicitor to answer allegations contained in an affidavit, whether that application is made to the disciplinary committee or to the High Court, may be treated as an application to strike the name of that solicitor off the roll on the grounds of the matters alleged ; and accordingly, in paragraph (ii) of section nine of the principal Act (which relates to procedure upon applications to the High Court) the words " or, as the case may be, that the solicitor do answer the allegations contained in the affidavit " shall be omitted.

(2) For the avoidance of doubt it is hereby declared that subsection (1) of section nine of the Act of 1936 (which requires the Society to enter on the roll a note of an order of the High Court or Court of Appeal that the name of a solicitor be removed from or struck off the roll) applies to all such orders by the High Court or Court of Appeal, and accordingly in that subsection the words " on an application made by any person under the principal Act " shall be omitted.

(3) Subsection (2) of section thirteen of the principal Act (which provides for the payment of a fee in certain cases where a name which has been removed from or struck off the roll is ordered to be replaced thereon) shall apply in all such cases, and accordingly in that subsection the words from the beginning to " section fifty-one of this Act " shall be omitted.

Proceedings against solicitors' clerks who are not solicitors

11.—(1) For paragraph (*a*) of subsection (1) of section sixteen of the Act of 1941 (which enables proceedings before the disciplinary committee to be taken against a solicitor's clerk who is not himself a solicitor) there shall be substituted the following :—

" (*a*) Where a person who is or was a clerk to a solicitor but is not himself a solicitor has been convicted—

(i) of larceny, embezzlement or fraudulent conversion ; or

(ii) of any other criminal offence in respect of any money or property belonging to or held or controlled by the solicitor by whom he is or was employed or any client of that solicitor ; or ".

(2) At the end of the said section sixteen there shall be added the following subsection :—

" (11) For the purposes of this section—

(*a*) an order under Part I of the Criminal Justice Act, 1948, placing a person on probation or discharging him absolutely or conditionally shall, notwithstanding anything in section twelve of that Act, be deemed to be a conviction of the offence for which the order was made ; and

(*b*) the death of a solicitor against whom an application or complaint might have been made to the disciplinary committee under any enactment shall not prevent an application being made by or on behalf of the Society to the disciplinary committee in respect of a person who was a clerk to that solicitor but is not himself a solicitor, and who is alleged to have been a party to any act or default of that solicitor ".

Power of Society to discharge articles in certain cases

12. If—

(*a*) in contravention of section seventeen of the principal Act, any solicitor has more than two articled clerks at the same time ; or

(*b*) in contravention of section eighteen of the principal Act, any solicitor takes or retains any articled clerk after he has ceased to practise as a solicitor or while the solicitor is employed as a clerk by another solicitor ; or

(*c*) in contravention of subsection (1) of section one of the Act of 1936, a solicitor who has not at any time been in continuous practice as a solicitor for a period of five years takes an articled clerk without the special leave in writing of the Society ; or

(*d*) a solicitor takes an articled clerk in contravention of a prohibition for the time being in force under section fourteen of the Act of 1941 ; or

(*e*) any allegation is made to the Council as to the moral unfitness of an articled clerk to be an officer of the Supreme Court, and the Council, after inquiring into that allegation, are satisfied that the clerk is morally unfit to be such an officer,

the Society may of their own motion discharge the articles of any such articled clerk upon such terms, including terms as to return of premium, as they think fit.

Remuneration of solicitors

13.—(1) A solicitor's bill of costs may include costs payable in discharge of a liability properly incurred by the solicitor on behalf of the party to be charged with the bill notwithstanding that those costs have not been paid before the delivery to that party of that bill :

Provided that—

(*a*) those costs shall be described in the bill as not then paid ;

(*b*) if the bill is ordered to be taxed, the taxing officer shall not allow those costs unless they have been paid before the taxation is completed.

(2) For the purposes of the remuneration of a solicitor in respect of contentious business done by him, where that remuneration is not the subject of such an agreement as is mentioned in

section fifty-nine of the principal Act, the solicitor's bill of costs may at the option of the solicitor take the form of a charge of a gross sum instead of detailed charges:

Provided that—

(*a*) the authorisation by this subsection of the delivery of a gross sum bill shall not affect any rules of court with respect to any taxation of the costs covered by that bill;

(*b*) at any time before the service upon him of a writ or other originating process for the recovery of costs included in a gross sum bill, and before the expiration of three months from the date of the delivery to him of that bill, the party chargeable therewith may require the solicitor to deliver to him in lieu thereof a bill in the form of detailed charges, and the gross sum bill shall thereupon be of no effect;

(*c*) where an action is commenced on a gross sum bill the court shall, if so requested by the party chargeable therewith before the expiration of one month from the service on that party of the writ or other originating process, order that the bill shall be taxed.

(3) If, in the case of a solicitor's bill of costs for non-contentious business, not less than half of the amount of the bill before taxation consists of costs for which no scale charge is provided by an order for the time being in operation under section fifty-six of the principal Act, subsection (5) of section sixty-six of that Act (which provides that if on taxation of a bill one-sixth of the amount of the bill is taxed off, the solicitor shall pay the costs of taxation but otherwise the party chargeable shall pay those costs) shall have effect as if for the reference to one-sixth there were substituted a reference to one-fifth.

(4) Except in relation to a bill of costs delivered before the commencement of this Act, in this section and in the principal Act—

(*a*) the expression "contentious business" shall mean business done, whether as solicitor or advocate, in or for the purposes of proceedings begun before a court or before an arbitrator appointed under the Arbitration Act, 1950, not being business which falls within the definition of non-contentious or common form probate business contained in subsection (1) of section one hundred and seventy-five of the Supreme Court of Judicature (Consolidation) Act, 1925;

(*b*) the expression "non-contentious business" shall mean any business done as a solicitor which is not contentious business as defined by the foregoing paragraph;

and the definitions of the said expressions contained in subsection (1) of section eighty-one of the principal Act shall cease to have effect.

Qualification for office of solicitors who have been barristers

14. Section seventy-two of the principal Act (which relates to the qualifications for holding certain offices of solicitors who have been barristers) shall have effect, in relation to any appointment to such an office made after the commencement of this Act, as if for the words from "that period" onwards there were substituted the words "the period of enrolment of a solicitor who before admission was a barrister shall be deemed to include any period during which he was in practice in chambers as a barrister in England."

Provisions as to Committees of Council and membership of Law Society

15.—(1) In subsection (3) of section four of the Act of 1941 (which provides that committees of the Council may include persons who are not members of the Council), for paragraph (*a*) of the proviso there shall be substituted the following:—

"(*a*) at least one-half of the members of any committee (including the Chairman thereof) shall be members of the Council; and

(*aa*) if more than one-third of the members of any committee are not members of the Council, no resolution of that committee shall be duly passed unless a majority of the members of the Council present shall have voted in favour of it."

(2) In subsection (1) of section three of the Act of 1941 (which provides for compulsory membership of the Society in certain circumstances) for the words "the annual subscription payable for the time being by members of the Society" there shall be substituted the words "the annual subscription which is or would be payable by him under subsection (6) of this section as a member of the Society".

(3) In subsection (4) of the said section three (which enables non-practising solicitors to become members of the Society) for the words "the annual subscription in accordance with any bye-law or regulation of the Society" there shall be substituted the words "the annual subscription payable by him under subsection (6) of this section as a member of the Society".

(4) In subsection (7) of the said section three (which provides that a member of the Society whose name is removed from or struck off the roll by an order of the disciplinary committee under the disciplinary enactments shall thereupon cease to be a member) the words "by an order of the Disciplinary Committee under the disciplinary enactments" shall cease to have effect.

Council to act on behalf of Society

16. All acts or regulations authorised or required to be done or made by the Society under or in pursuance of this Act or of any regulations made thereunder may be done or made on behalf of the Society by the Council.

Interpretation

17.—(1) In this Act—

"the principal Act" means the Solicitors Act, 1932;

"the Act of 1936" means the Solicitors Act, 1936;

"the Act of 1939" means the Solicitors (Disciplinary Committee) Act, 1939;

"the Act of 1941" means the Solicitors Act, 1941;

"the Solicitors Acts" means the Solicitors Acts, 1932 to 1950;

and, save where the context otherwise requires, expressions used both in this Act and in the principal Act have the same meanings as in the principal Act.

(2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

Citation, repeals, commencement and extent

18.—(1) This Act may be cited as the Solicitors (Amendment) Act, 1955.

(2) This Act and the Solicitors Acts, 1932 to 1950, may be cited together as the Solicitors Acts, 1932 to 1955.

(3) The enactments mentioned in Part II of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.

(4) The provisions of this Act other than section two thereof shall come into operation on the first day of November nineteen hundred and fifty-six.

(5) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES

FIRST SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1. In section three of the principal Act, for the words "a certificate of having passed the final examination provided for by this Act" there shall be substituted the words "a certificate that the Society is satisfied as required by subsection (1) of section two of the Solicitors (Amendment) Act, 1955".

2. In section twelve of the principal Act—

(*a*) for the words "any defect in his articles of clerkship, or in the registration thereof, or in his service thereunder, or" there shall be substituted the words "any failure to comply with any requirements with respect to service under articles of clerkship of regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1955, which are applicable in his case, or any defect"; and

(*b*) for the words "articles, registration, service, admission or enrolment" there shall be substituted the words "failure or defect".

3. In section twenty-two of the principal Act, for the words "required by this Act" there shall be substituted the words "required in his case by regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1955".

4. For subsection (1) of section five of the Act of 1936 there shall be substituted the following—

"(1) If, at any time while a person is serving as an articled clerk to a solicitor, the Society are satisfied on the application either of the solicitor or of the clerk that the articles ought to be discharged, the Society may discharge the articles upon such terms, including terms as to return of premium, as they think fit."

5. In subsection (3) of section twenty of the Justices of the Peace Act, 1949—

(*a*) for the words "paragraph (*a*) of section fourteen of the Solicitors Act, 1932" there shall be substituted the words "regulations made under subsection (1) of section two of the Solicitors (Amendment) Act, 1955";

(*b*) in paragraph (*b*), for the words "the said Act" there shall be substituted the words "the said regulations";

(*c*) in paragraph (*d*), for the words "the Solicitors Acts, 1932 to 1941" there shall be substituted the words "the Solicitors Acts, 1932 to 1955".

SECOND SCHEDULE

ENACTMENTS REPEALED

PART I

Repeals under section two of this Act

Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5 c. 37	The Solicitors Act, 1932	Sections fourteen to sixteen; subsection (2) of section eighteen; sections nineteen to twenty-one; section twenty-three; sections twenty-five to thirty-four; in section seventy-three, the words "articles of clerkship"; and the First and Second Schedules.
26 Geo. 5 & 1 Edw. 8 c. 35	The Solicitors Act, 1936	Subsection (2) of section one; sections two to four; subsection (2) of section five; and sections six to eight.
3 & 4 Geo. 6 c. 15	The Solicitors (Emergency Provisions) Act, 1940	Sections one, three and four; and in section eight the paragraphs commencing respectively with the words "The principal Act", "Solicitors", "The Law Society" and "Articles".
4 & 5 Geo. 6 c. 46	The Solicitors Act, 1941	In section fourteen, in subsection (1) the words from "notwithstanding" to "1936", subsection (3), and in subsection (4), the words from "and" onwards; and sections fifteen, twenty-five and twenty-six.

PART II

Miscellaneous Repeals

Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5 c. 37	The Solicitors Act, 1932	Section one; the proviso to subsection (1) of section six; in paragraph (ii) of section nine, the words "or, as the case may be, that the solicitor do answer the allegations contained in the affidavit"; in subsection (2) of section thirteen, the words from the beginning to "fifty-one of this Act"; in subsection (1) of section eighty-one, the paragraphs commencing respectively with the words "contentious business" and "non-contentious business"; and the Third Schedule.
26 Geo. 5 & 1 Edw. 8 c. 35	The Solicitors Act, 1936	In subsection (1) of section nine the words "on an application made by any person under the principal Act".
2 & 3 Geo. 6 c. 110	The Solicitors (Disciplinary Committee) Act, 1939	Section two.
4 & 5 Geo. 6 c. 46	The Solicitors Act, 1941	In subsection (7) of section three the words from "by" to "enactments"; paragraph (*b*) of subsection (3) of section four; sections six and eight; the Second Schedule; and so much of the Third Schedule as reproduces subsection (3) of section thirty-seven of the principal Act.
12, 13 & 14 Geo. 6 c. 21	The Solicitors, Public Notaries, &c. Act, 1949	In subsection (2) of section one the words from "and any" onwards.

SURVEY OF THE WEEK

ROYAL ASSENT

The following Bills received the Royal Assent on 21st December:—

Agriculture (Improvement of Roads)
Aliens' Employment
British Transport Commission
Diplomatic Immunities Restriction
Edinburgh Corporation Order Confirmation
Expiring Laws Continuance
Finance (No. 2)
Friendly Societies
Hillingdon Estate
London County Council (General Powers)
Runcorn–Widnes Bridge

HOUSE OF LORDS

PROGRESS OF BILLS

Read First Time:—

Children and Young Persons Bill [H.C.] [19th December.

Coercive Action (Relief) Bill [H.L.] [19th December.

To make provision for relief from coercive action; and for purposes connected therewith.

Solicitors (Amendment) Bill [H.L.] [19th December.

To amend the enactments relating to solicitors; and for purposes connected therewith.

Read Second Time:—

Dundee Corporation Bill [H.C.] [15th December.

Rabbits (Prohibition of Spreading) Bill [H.L.] [20th December.

Read Third Time:—

Administration of Justice Bill [H.L.] [20th December.

In Committee:—

Copyright Bill [H.L.] [19th December.

HOUSE OF COMMONS

A. PROGRESS OF BILLS

Read First Time:—

Agriculture (Safety, Health and Welfare Provisions) Bill [H.C.] [21st December.

To provide for securing the safety, health and welfare of persons employed in agriculture and certain other occupations and the avoidance of accidents to children arising out of the use, in connection with agriculture, of vehicles, machinery or implements; and for purposes connected with the matters aforesaid.

Transport (Disposal of Road Haulage Property) Bill [H.C.] [15th December.

To amend the provisions of the Transport Act, 1953, relating to the disposal by the British Transport Commission of the property held by them for the purposes of the existing road haulage undertaking (including the provisions as to the transport levy and the Transport Fund) and for purposes connected with the matters aforesaid.

Read Second Time :—

Criminal Justice Administration Bill [H.L.]
[19th December.

Valuation and Rating (Scotland) Bill [H.C.]
[15th December.

Willoughby de Broke Estate Bill [H.L.] [19th December.

B. Questions

Building Societies

Mr. H. Brooke said that the arrangements with building societies authorised by s. 445 of the Income Tax Act, 1952, were not in any way dependent upon conditions as to the purposes to which loans granted by societies might be put. Their sole purpose was to avoid the excessive amount of work and inconvenience which would fall upon the small investors and the Inland Revenue Department otherwise.

Asked what steps the Registrar of Friendly Societies took to satisfy himself that a building society registered under and enjoying the benefits of the provisions of the Building Societies Acts does in practice carry on the recognised business and functions of a building society in the encouragement of home ownership, Mr. H. Brooke said that the law did not forbid building societies to lend for purposes other than home ownership, and it was not the Registrar's duty to question any legitimate lending where the investor's interests were properly safeguarded. If, however, a society acted so as to imperil its investors, then the Registrar of Building Societies had power, after enquiry, to forbid it to invite further capital from the public. The accounts of all building societies were examined for any sign of activity of this sort. [15th December.

Pool Betting Duty (Clubs)

Asked whether he would amend s. 4 (5) of the Finance Act, 1954, so as to exclude from its scope the amount of weekly contributions paid by members of a club or society, the membership of which entitled persons to take part in a pool betting scheme, Mr. H. Brooke said that this section was introduced to close loopholes for avoidance of pool betting duty. It did not render liable to duty genuine voluntary contributions to the club or society made independently of the pool betting scheme. He did not think there was any reason for amending this section.
[15th December.

American Servicemen (Paternity Cases)

Mr. Turton said that discussions which had been held with the United States authorities in 1954, with a view to obtaining financial aid from the United States Government for the support of illegitimate children in this country whose fathers were American servicemen, had shown that there was no possibility of obtaining such aid from the United States Government.
[19th December.

Contested Divorce Cases (London)

The Attorney-General gave the following figures with regard to contested divorce cases tried in London by judges of the High Court and by commissioners, respectively, during the last five years :—

Year	Heard by Judges	Heard by Commissioners	Total
1951	412	507	919
1952	315	704	1,019
1953	284	798	1,082
1954	213	841	1,054
1955	275	865	1,140
	1,499	3,715	5,214

During this period there had been 26 appeals from judges, of which 8 had been successful, and 96 from commissioners, of which 35 had been successful. [19th December.

Diplomatic Immunity

Major Lloyd-George said that in the twelve months ending the 30th September, 1955, there had been ninety-three cases in England and Wales brought to his notice in which the police had refrained from taking criminal proceedings against foreign persons as a result of claims to diplomatic immunity having been established. No figures were available for civil cases.
[19th December.

Private Streets (Repairs)

Mr. Sandys said that most local authorities already had power to require owners of private streets and roads to repair them where they had fallen into a dangerous condition. Those who had not might apply to him for an order to enable them to do so.
[20th December.

Administrative Tribunals (Committee)

The Attorney-General said that the committee on administrative tribunals had held two meetings to discuss procedure and its terms of reference. It had announced that persons and organisations wishing to submit written evidence should do so as soon as possible and in any event not later than 28th April, 1956. Written evidence should be sent to the Secretary of the Committee, c/o H.M. Treasury, Great George Street, London, S.W.1.
[21st December.

Monopolies Bill

Mr. Walker-Smith said that it was hoped to introduce the Monopolies Bill as soon as possible after Parliament reassembled.
[21st December.

Hire-Purchase Agreements

Asked whether the President of the Board of Trade would introduce legislation to ensure that hire-purchase agreements were compelled to contain full details of bank charges or other charges involved in making payments, Mr. Walker-Smith said that he was not aware that hire-purchase agreements stipulated a method of remitting instalments which compelled the customer to incur bank charges for collection, and he understood that it was open to the hirer to make his remittance direct to the finance company concerned or its agent, if he preferred.
[21st December.

New Valuation Lists

Mr. Sandys made the following statement about the new valuation lists—" The new valuation lists have now been deposited in many areas and the remaining lists will be in the hands of rating authorities not later than 31st December. The lists will be open to inspection by ratepayers at times announced by the rating authorities. The new assessments will come into force on 1st April next, after which proposals for amending them may be made.

As soon as all the valuation lists have been sent to the rating authorities, I shall issue a statement of the total rateable value for England and Wales, and the totals for each county, county borough and metropolitan borough. At a later stage, when the necessary statistical analyses have been completed, I propose to publish a White Paper giving comparative tables of rateable values in the new lists as deposited and in the current lists as at 1st December, 1955. The tables will give, for each county, county borough, and metropolitan borough, separate totals for the following classes of property: houses and flats; shops; other commercial and miscellaneous premises; Crown property; industrial hereditaments, apportioned between industrial and non-industrial purposes; and freight-transport hereditaments, apportioned between transport purposes and non-transport purposes.

I should like to take this opportunity to emphasise that an increase in the rateable value of a district will normally result in a reduction of the rate in the pound and will not therefore necessarily imply an increase in the amount payable. Individual ratepayers or groups of ratepayers will consequently not be able to judge how the new valuation lists will affect them until the rates in the pound are announced by the rating authorities about the beginning of April. A leaflet containing further information will be available at the places where the lists are open to inspection." [21st December.

STATUTORY INSTRUMENTS

Coast Protection (Rate of Interest) Regulations, 1955. (S.I. 1955 No. 1873.)

Commonwealth Telegraphs (Cable and Wireless Ltd. Pension) Regulations, 1955. (S.I. 1955 No. 1893.) 11d.

Courts-Martial Appeal (Amendment) Rules, 1955. (S.I. 1955 No. 1883 (L.16).)

Crowborough Water (No. 2) Order, 1955. (S.I. 1955 No. 1860.) 6d.

Exchange Control (Authorised Dealers) (Amendment) (No. 3) Order, 1955. (S.I. 1955 No. 1886.)

Housing (Rate of Interest) Order, 1955. (S.I. 1955 No. 1874.)

Lace Industry (Scientific Research Levy) Order, 1955. (S.I. 1955 No. 1861.) 6d.

Local Authorities (Sinking Funds) Regulations, 1955. (S.I. 1955 No. 1866.)

Metropolitan Borough Councils (Sinking Funds) Regulations, 1955. (S.I. 1955 No. 1867.)

Motor Vehicles (Variation of Speed Limit) Regulations, 1955. (S.I. 1955 No. 1880.)

Petty Sessional Divisions (Cornwall) Order, 1955. (S.I. 1955 No. 1881.) 5d.

Private Improvement Expenses (Rate of Interest) Order, 1955. (S.I. 1955 No. 1871.)

Public Health (London) (Rate of Interest) Order, 1955. (S.I. 1955 No. 1872.)

Public Health (Rate of Interest) Order, 1955. (S.I. 1955 No. 1869.)

Retail Bespoke Tailoring Wages Council (Scotland) Wages Regulation (Amendment) (No. 2) Order, 1955. (S.I. 1955 No. 1887.)

River Boards (Sinking Funds) Regulations, 1955. (S.I. 1955 No. 1868.)

Rules of the Supreme Court (Appeals), 1955. (S.I. 1955 No. 1885 (L.18).) 8d.

See p. 916, *ante*.

Rules of the Supreme Court (No. 3), 1955. (S.I. 1955 No. 1884 (L.17).)

See p. 916, *ante*.

Stopping up of Highways (Buckinghamshire) (No. 8) Order, 1955. (S.I. 1955 No. 1858.)

Telegraph (Inland Written Press Telegram) Amendment (No. 1) Regulations, 1955. (S.I. 1955 No. 1892.)

Telegraph (Inland Written Telegram) Amendment (No. 1) Regulations, 1955. (S.I. 1955 No. 1891.) 5d.

Water (Rate of Interest on Deposits) Regulations, 1955. (S.I. 1955 No. 1870.)

[Any of the above may be obtained from the Government Sales Department, The Solicitors' Law Stationery Society, Ltd., 21 Red Lion Street, W.C.1. The price in each case, unless otherwise stated, is 4d., post free.]

NOTES AND NEWS

Honours and Appointments

Owing to continued ill health, Mr. Justice Gerrard has been obliged to resign from his office as a judge of the High Court of Justice. The Queen has been pleased to signify her intention of appointing Mr. W. J. K. DIPLOCK, Q.C., to be a judge of the High Court after the retirement of Mr. Justice Gerrard, which takes effect on 5th January, 1956.

The Lord Chancellor has decided to appoint Mr. RICHARD ARTHUR LORAINE HILLARD, M.B.E., to be a judge of county courts with effect from 1st January, 1956, and to be one of the judges of Circuit 54 (Bristol, etc.) together with His Honour Judge Paton, D.S.C.

Mr. WILLIAM AUSTIN DRISKELL has been appointed Assistant Official Receiver for the Bankruptcy District of the County Courts of Canterbury, Rochester and Maidstone.

The Queen has appointed Mr. H. J. M. FLAXMAN, C.M.G., Acting Attorney-General, Gibraltar, to be Chief Justice of Gilbraltar, in succession to Mr. ROGER SEWELL BACON, M.B.E., who has been appointed Justice of Appeal, Eastern African Court of Appeal.

Mr. JOHN BREWSTER MCCOOKE, chief assistant solicitor to Cheltenham Corporation, has been appointed deputy town clerk of Halesowen with effect from January, 1956.

Mr. JOHN BIRKETT GIBBS MOORE has been appointed an Official Receiver for the Bankruptcy District of the County Courts of Ashton-under-Lyne and Stalybridge; Blackburn; Blackpool; Bolton; Burnley; Oldham; Preston; Rochdale, and Stockport.

The Archbishop of Canterbury has conferred the degree of Doctor of Civil Law upon the Right Hon. HENRY WILLINK, Dean of the Arches and Vicar-General.

Personal Notes

Mr. Hugh F. Burns, a Stockton solicitor, of Hilton-in-Cleveland, was married on 3rd December to Miss R. M. Baird, of Danby.

Miscellaneous

The President, Mr. W. Charles Norton, Vice-President, Sir Edwin Herbert, and the Council of The Law Society held a dinner on the 15th December at The Law Society's Hall, Chancery Lane, London, W.C.2. Among those present were: The Lord Chancellor, the Norwegian Ambassador, the Marquess of Reading, the Lord Chief Justice, Lord Somervell of Harrow, Lord Oaksey, Lord Justice Singleton, Lord Justice Denning, the Mayor of Westminster, Mr. Justice Willmer, Mr. Justice Ormerod, Mr. Justice Upjohn, Mr. Justice Hallett, Mr. Justice Sellers, Mr. Justice Danckwerts, the Dean of St. Paul's, Sir Harry Hylton-Foster, Q.C., M.P., the Hon. L. W. Joynson-Hicks, M.P., Sir Theobald Mathew, Sir Wyndham Hirst, Sir George Coldstream, Sir Leonard Stone, Sir Percy Simner, Sir Dingwall Bateson, Sir Leonard Holmes, M. Jozeau Marigne, M. Maurice Barbet, Mr. I. D. Yeaman, Mr. L. E. Peppiatt, Mr. F. H. Jessop and Mr. Eric Davies.

It is regretted that in the "Notes of Cases" in our issue of 24th December it was not possible to include page references to the Weekly Law Reports because of Christmas printing arrangements. The following is a list of the cases concerned, with the W.L.R. references:—

Anglo-French Exploration Co., Ltd. *v.* Clayson (Inspector of Taxes), 1 W.L.R. 1314.

Bambridge *v.* Inland Revenue Commissioners, 1 W.L.R. 1329.

Buckle *v.* Buckle (otherwise Williams), 3 W.L.R. 989.

Jefferson *v.* Jefferson, 3 W.L.R. 1001.

McDonald *v.* British Transport Commission, 1 W.L.R. 1323.

Treseder-Griffin *v.* Co-operative Insurance Society, Ltd., 3 W.L.R. 996.

Van Lessen, *In re*, 1 W.L.R. 1326.

Wills and Bequests

Mr. John Alexander Peel, solicitor, of Armagh, left £8,237 (£7,922 net).

Mr. E. A. Rehder, solicitor, of Dulwich, left £45,113 (£44,422 net).

OBITUARY

MR. A. P. RISING

Mr. Arthur Preston Rising, a retired Yarmouth solicitor, died on 6th December at Gorleston, aged 83. He was admitted in 1899 and retired in 1940. He had been chairman of the Yarmouth Gas Co., a director of the Yarmouth Waterworks Co., and clerk to the Governors of the Yarmouth Grammar School Foundation.

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